

*[Handwritten signature]*



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

*IS*

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/239,109    01/27/99    KANEVSKY

D    Y0999-018

*[Handwritten mark]*

TM02/1002

*[Handwritten mark]*

LOUIS J PERCELLO  
INTELLECTUAL PROPERTY LAW  
IBM CORPORATION  
P O BOX 218  
YORKTOWN HEIGHTS NY 10598

EXAMINER
----------

CARDONE, J

ART UNIT	PAPER NUMBER
----------	--------------

2152

DATE MAILED:

10/02/01

*3*

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

*[Handwritten signature]*

# Office Action Summary

Application No.  
09/239,109

Applicant(s)  
Kanevsky et al.

Examiner  
Jason D. Cardone

Art Unit  
2152



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jan 27, 1999
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 20) ☐ Other: \_\_\_\_\_

Art Unit: 2152

## DETAILED ACTION

### *Specification*

1. Applicants should update the incorporated reference (Application: 08/960,535) on page 4.
2. Claims 1-60 are presented for examination.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CAR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlsson et al. "Carlsson", U.S. Patent No. 6,253,074, in view of Ludwig, U.S. Patent No. 6,256,498.

Art Unit: 2152

5. Regarding claim 1, Carlsson discloses a computer system comprising:

one or more memories and one or more central processing units (CPUs) [ie visiting mobile service switching center (MSC), Carlsson, col. 5, line 38 - col. 6, line 17];

one or more communication interfaces, each of the communication interfaces capable of receiving a client signal from one or more clients indicating that a client is within a range of communication of the computer [ie. visitor location register (VLR), Carlsson, col. 6, lines 1-38];

one or more computer interfaces capable of communicating with one or more second computers, the second computers each having a computer location and one or more application programs [ie. MSC with home location register (HLR) and the subscriptions of users, Carlsson, col. 5, lines 38-65 and col. 7, lines 18-62];

an application process that determines from one or more client signals that one or more clients are within the range of communication and that requests and receives one or more of the application programs through the computer interface from one or more of the second computers at the computer location [ie. updating profile signal, Carlsson, col. 7, line 49 - col. 8, line 16].

Carlsson discloses the invention substantially as claimed except for that clients can cause a CPUs to execute application programs within the visiting MSC. The Carlsson preferred embodiment discloses that the visiting MSC does send/receive information from/to the client and communicated with the home MSC to process updated location, subscription, and other information from the client [Carlsson, col. 5, line 38 - col. 6, line 54 and col. 7, lines 18-62].

Art Unit: 2152

Even without an objective teaching, one of ordinary skill in the mobile communication art at the time of the invention would recognize the inefficiency of the processing between the MSCs (as appears in the case in Carlsson) and that the processing of applications (with higher computations) within the visiting MSC is desirable or advantageous to further the operation of the system. Ludwig discloses an objective teaching of the visiting gateways and base-station subsystems execute the applications of the clients. [Ludwig, col. 6, lines 7-49, col. 7, lines 16-27, col. 8, lines 1-51, and col. 9, line 64 - col. 10, line 38]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate fat visiting MSCs, taught by Ludwig, in to the mobile communication system, taught by Carlsson, since Ludwig suggests connecting mobile subscribers to a network, similar to the mobile subscription network disclosed by Carlsson [Carlsson, col. 1, lines 7-11 and col. 2, lines 42-59], but increasing the information range by connection to the Internet [Ludwig, col. 1, lines 6-8 and col. 4, lines 1-31]. One of ordinary skill in the art would have been motivated to modify Carlsson to include the increased processing of the visiting MSC, in view of Ludwig, so that the system becomes updated with the use of the communicating through Internet.

Therefore, it would have been obvious to combine Carlsson and Ludwig (Carlsson-Ludwig) to obtain the invention as specified in claim 1.

Art Unit: 2152

6. Regarding claim 2, Carlsson-Ludwig further discloses application programs are grouped into packages and one or more clients are linked to packages in such a way that application programs in each package support only clients that are linked to this package [Carlsson, col. 7, line 49 - col. 8, line 16] [Ludwig, col. 7, lines 16-27,].

7. Regarding claims 3-10, Carlsson-Ludwig further discloses the communication interface receives a second client signal when one or more clients that are linked to a package of programs pass outside of the range of the communication, where all clients linked to one package of programs are wearable by one person [Carlsson, col. 5, line 38 - col. 6, line 17] [Ludwig, col. 6, lines 7-49].

8. Regarding claims 11 and 13-18 Carlsson-Ludwig further discloses where the computer discards one or more of the applications after one or more clients pass outside of the range and after the discarded applications have been sent to one or more of the second computers [Carlsson, col. 5, lines 38-65 and col. 7, lines 18-62] [Ludwig, col. 6, lines 7-49].

9. Regarding claim 12, Carlsson-Ludwig further discloses the computer determines whether one or more clients are outside of range by measuring distance from this computer to these clients [Carlsson, col. 5, lines 38-65] [Ludwig, col. 6, lines 7-49].

Art Unit: 2152

10. Regarding claim 19, Carlsson-Ludwig further discloses the communication interface includes any one or more of the following: a radio link, an infrared link [Carlsson, col. 5, lines 38-65] [Ludwig, col. 2, lines 11-37].

11. Regarding claim 20, Carlsson-Ludwig further discloses the computer interface includes any one or more of the following: a network, a wide area network, a local area network, an internet, an intranet, a telephone network, a radio frequency network [Carlsson, col. 1, lines 14-59 and col. 5, lines 38-65] [Ludwig, col. 2, lines 11-37].

12. Regarding claim 21, Carlsson-Ludwig further discloses the client includes any one or more of the following: a moving computer, a pen input device, a personal data assistant, a watch, a palm top, a telephone, a key, a speech recognition system [Carlsson, col. 1, lines 14-59 and col. 5, lines 15-51] [Ludwig, col. 1, lines 12-57 and col. 2, lines 11-37].

13. Regarding claim 22, Carlsson-Ludwig further discloses incorporation in any one or more of the following: a printer, a television, a microwave, a refrigerator, a car, a public structure, a lamppost, a mail box [Carlsson, col. 1, lines 14-59 and col. 5, lines 1-37] [Ludwig, col. 1, lines 12-57 and col. 2, lines 11-37].

Art Unit: 2152

14. Regarding claim 23, Carlsson-Ludwig further discloses one or more of the second computers is a main computer that has copies of all of the applications as backup [Carlsson, col. 5, lines 15-51] [Ludwig, col. 6, lines 7-49].

15. Regarding claim 24, Carlsson-Ludwig further discloses one or more of the second computers is a local computer that has copies of all applications for all clients that are in a communication range of another second computers that are in a communication range with the local computer [Carlsson, col. 6, lines 1-38] [Ludwig, col. 6, lines 7-49].

16. Regarding claim 25, Carlsson-Ludwig further discloses one or more clients send a request for some item or application in a package to one or more second computers and if such application or an item is not available one or more second computers send a request for this application or item to the main computer and the main computer performs the requested application for these one or more clients or send them the requested item [Carlsson, col. 7, line 49 - col. 8, line 16] [Ludwig, col. 9, line 64 - col. 10, line 38].

17. Regarding claim 26, Carlsson-Ludwig further discloses the requested item and application are sent to packages in one or more second computers that are linked to one or more clients that requested this item or application [Carlsson, col. 7, lines 49-65] [Ludwig, col. 5, line 31 - col. 6, line 44].



Art Unit: 2152

18. Regarding claim 27, Carlsson-Ludwig further discloses one or more clients send a request for some item/application in a package and an address of the local computer to one or more second computers [Carlsson, col. 7, line 49 - col. 8, line 16] [Ludwig, col. 5, line 31 - col. 6, line 44].

19. Regarding claims 28-32, Carlsson-Ludwig further the local computer checks whether it has the requested item/application if it is in the range of communication from one or more second computers and where the local computer sends the requested item/application of it found it [Carlsson, col. 6, lines 1-38] [Ludwig, col. 9, line 64 - col. 10, line 38].

20. Regarding claim 33-35, Carlsson-Ludwig further discloses the request for the item/application was sent to the local server at the address that was received by the main server if this item/application was not found in the main server [Carlsson, col. 7, line 49 - col. 8, line 16] [Ludwig, col. 9, line 64 - col. 10, line 38].

21. Regarding claims 36-42 and 47-53, Carlsson-Ludwig further discloses where part of the application remains as a second portion on one or more of the second computers, the application portion is a front end of a speech recognition system, a front end of a word processing system (where the front end of the word processing system includes a keyboard), an automatic speech recognition front end, an automatic handwriting recognition system front end, a user verification

Art Unit: 2152

system front end, a user identification system front end, a natural language understanding system front end [Carlsson, col. 2, lines 1-34] [Ludwig, col. 2, lines 11-37].

22. Regarding claims 43-46, Carlsson-Ludwig further discloses the application portions are classified in accordance with how processes that are needed to run these applications can be handled, where processes can be handled to be run in parallel, can be shared by different applications or can be substituted [Carlsson, col. 7, line 49 - col. 8, line 16] [Ludwig, col. 9, line 64 - col. 10, line 38].

23. Regarding claims 54-56, Carlsson-Ludwig further discloses the applications are received in a priority order, where priority order include the following: applications that are currently used by a user, applications that are shared by many users, applications that shared by small number of users, applications that involve clients that are wearable by a user and is defined by history data on how often some applications were used [Carlsson, col. 5, lines 38-65] [Ludwig, col. 5, line 31 - col. 6, line 44].

24. Regarding claim 57, Carlsson-Ludwig further discloses the applications are received from a backup computer if communication with second computer fails [Carlsson, col. 5, lines 38-65] [Ludwig, col. 2, lines 11-37].

Art Unit: 2152

25. Regarding claim 58, Carlsson-Ludwig further discloses the client signal is received from one or more of the following location devices: a pressure sensor, an ultrasonic detector, a radio frequency tag, a motion detector [Carlsson, col. 1, lines 14-59] [Ludwig, col. 1, lines 12-57 and col. 2, lines 11-37].

26. Regarding claim 59, Carlsson-Ludwig further discloses the applications include any one or more of the following: a web browser, a financial program, a word processing program, a search engine, a database used by the application, a general database [Carlsson, col. 1, lines 14-59] [Ludwig, col. 1, lines 12-57 and col. 2, lines 11-37].

27. Regarding claim 60, Carlsson-Ludwig further discloses one or more of the applications are discarded if that are not executed by one or more of the CPUs within a time period [Carlsson, col. 1, lines 14-59 and col. 5, lines 38-65] [Ludwig, col. 9, line 64 - col. 10, line 38].

### *Conclusion*

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason D. Cardone, whose telephone number is (703) 305-8484.

The examiner can normally be reached on Monday through Thursday from 9:00am to 6:00pm.

Art Unit: 2152


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart, can be reached on (703) 305-4815.

The fax numbers for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238	(After Final Communications)
(703) 746-7239	(Official Communications)
(703) 746-7240	(For Status inquiries, Draft Communications)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist, whose telephone number is (703) 305-3900.

MEHMET B. GECKIL  
PRIMARY EXAMINER

  
Jason D. Cardone

September 27, 2001

